



02 DEC 2005

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Karin H. Butchko
Carlson, Gaskey & Olds, P.C.
400 W. Maple
Suite 350
Birmingham, MI 48009

In re Application of	:	DECISION ON RENEWED
David WOESSNER	:	
PCT No.: PCT/US03/00977	:	
Application No.: 10/088,181	:	PETITION UNDER
Int. Filing Date: 14 January 2003	:	
Priority Date: 15 January 2002	:	
Attorney's Docket No.: 60158-272	:	37 CFR 1.47(b)
For: HOUSE IN TUBE FORMING ASSEMBLY	:	
AND PROCESS	:	

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(b)" filed on 14 November 2005.

BACKGROUND

In a decision from this Office on 09 September 2005, the petition filed under 37 CFR 1.47(b) was dismissed. The decision stated that petitioner had not submitted proof that applicant had sufficient proprietary interest in the application.

On 14 November 2005, applicant submitted a "Renewed Petition Under 37 CFR 1.47(b)" submitting sufficient proprietary interest in the application.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has now satisfied requirement and (5) of 37 CFR 1.47(b), thus completing the requirements under 37 CFR 1.47(b).

Regarding item (5) petitioner has submitted proof that applicant has sufficient proprietary interest in the application because the legal memorandum prepared by Karin H. Butchko establishes that under Mr. Woessner's employment relationship with Cooper he was bound to assign to Cooper any invention obtained relating to his employment.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **12 April 2005**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mrs. Catherine Woessner
(Legal Representative)
5641 Spencer Road
Mount Sterling, KY 40353

In re Application of
David WOESSNER
PCT No.: PCT/US03/00977
Application No.: 10/088,181
Int. Filing Date: 14 January 2003
Priority Date: 15 January 2002
Attorney's Docket No.: 60158-272
For: HOUSE IN TUBE FORMING ASSEMBLY
AND PROCESS

Dear Mrs. Woessner:

Your husband is named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, he will be designated as an inventor.

As a named inventor, you, as his legal representative since he is deceased, are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Karin H. Butchko
Carlson, Gaskey & Olds, P.C.
400 W. Maple
Suite 350
Birmingham, MI 48009